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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/647,322	08/26/2003	Jing-Yih Cherng	MR1035-1302

ROSENBERG KLEIN & LEE
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CONFIRMATION NO. 2118

FORMALITIES LETTER



OC000000016119584

Date Mailed: 05/26/2005

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/02/2005 SZEWDIE1 00000091 10647322

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

T. Ketsela

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

JPW
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jing-Yih Cherng :
Serial No. : 10/647,322 : Attn: Init. Patent Exam. Division
Filed : 26 August 2003 : Missing Parts
Title : MANUFACTURING METHOD OF
SECONDARY BATTERY AND DEVICE
THEREOF

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Mail Stop MISSING PARTS
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned attorney hereby responds to the outstanding Official Action dated 26 May 2005 which is a Notice to File Missing Parts of Nonprovisional Application. The objection made in the Notice to File Missing Parts is that "the oath or declaration is missing." In fact, the signed and dated Declaration for Patent Application was filed at the time of the filing of the patent application.

The undersigned attorney received a Notice Under 37 CFR 1.251 requesting documents in correspondence with the USPTO in this case. The undersigned attorney answered the Response to Notice Under 37 CFR 1.251 on 9 May 2005.

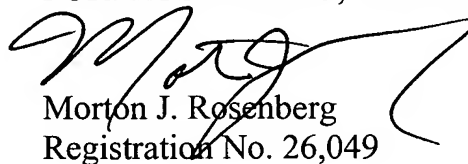
MR1035-1302
Appln. No. 10/647,322
Reply to Office Action dated 5/26/2005

It is apparent that the USPTO does not have the Declaration for Patent Application and thus, the following papers are attached to this Response:

- (1) A copy of the signed and dated Declaration for Patent Application which originally was filed with the patent application at the U.S. Patent and Trademark Office on 26 August 2003; and
- (2) A copy of the Notice to File Missing Parts of Nonprovisional Application; and
- (3) A check in the amount of \$65.00 for the late Declaration surcharge.

It is believed by the undersigned attorney that all matters were properly filed at the USPTO and that the late surcharge fee should not be charged. If the papers in the file are reviewed, and it is found that the Declaration for Patent Application is in the file, it is respectfully requested that the Honorable Director of Patents and Trademarks refund the \$65.00 surcharge fee to the undersigned attorney's Deposit Account 18-2011.

Respectfully submitted,
FOR: ROSENBERG, KLEIN & LEE


Morton J. Rosenberg
Registration No. 26,049

Dated: *31 May 2005*

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